

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

QING CHEN,

Plaintiff,

v.

F. GERARD HEINAUER, *et al.*,

Defendants.

No. C07-103RSL

CASE MANAGEMENT ORDER AND
ORDER GRANTING DEFENDANTS'
MOTION TO STRIKE RULE 26 INITIAL
SCHEDULING DATES

This matter comes before the Court on defendants' "Motion to Suspend, Strike or Delay Rule 26 Initial Scheduling Dates" (Dkt. #9), to which plaintiff did not respond. On January 23, 2007, plaintiff, proceeding *pro se*, filed a Petition for Writ of Mandamus alleging that defendants have unreasonably delayed processing of her I-485 application for adjustment of status and requesting that the Court mandamus defendants to adjudicate her application. See Dkt. ##1, 2. In their motion, defendants assert that this case is exempt from the initial disclosure and other obligations under Fed R. Civ. P. 26. The Court agrees that because this is an Administrative Procedure Act ("APA") case, the parties are exempt from the requirements in Fed. R. Civ. P. 26(a)(1) and (f) relating to discovery. See Fed. R. Civ. P. 26(a)(1)(E). Accordingly, the Court GRANTS defendants' motion (Dkt. #9) and orders as follows:

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1 Defendants shall file the administrative record by:¹ **June 4, 2007**

2 Plaintiff shall file a motion for summary judgment by: **June 29, 2007**

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4 Defendants shall file an opposition and cross-motion for
5 summary judgment, if any, by: **July 20, 2007**

6 Plaintiff shall file a reply and opposition, if any, by: **August 3, 2007**

7 Defendants shall file a reply, if any, by: **August 10, 2007**

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9 These dates are set by the Court. All other dates are specified in the Local Civil Rules. If
10 any of the dates identified in this Order or the Local Civil Rules fall on a weekend or federal
11 holiday, the act or event shall be performed on the next business day. These are firm dates that
12 can be changed only by order of the Court pursuant to Local Civil Rules 10(g) and/or 7(d)(2),
13 not by agreement of counsel or the parties. The Court will alter these dates only upon good
14 cause shown.

15 ALTERATIONS TO ELECTRONIC FILING PROCEDURES

16 As of June 1, 2004, counsel are required to electronically file all documents with the
17 Court. *Pro se* litigants may file either electronically or in paper form. Information and
18 procedures for electronic filing can be found on the Western District of Washington's website at
19 www.wawd.uscourts.gov. The following alterations to the Electronic Filing Procedures apply

21
22 ¹ Under Local Civil Rule 79(h), the administrative record is due when defendants file their
23 answer. See Local Rule 79(h) ("[T]he record of the agency proceeding shall be filed (1) within thirty
24 days of the filing of the complaint or petition when the administrative agency is the plaintiff or petitioner;
25 or (2) with the answer or return when the administrative agency is the defendant or respondent." Given
26 the Court's denial of defendants' motion to dismiss, under Fed. R. Civ. P. 12(a)(4)(A), the answer is due
on June 4, 2007.

1 in all cases pending before Judge Lasnik:

2 - Section III, Paragraph F - when the aggregate submittal to the court (*i.e.*, the motion,
3 any declarations and exhibits, the proposed order, and the certificate of service) exceeds 50
4 pages in length, a paper copy of the documents (with tabs or other organizing aids as necessary)
5 shall be delivered to the Clerk's Office for chambers by 10:30 am the morning after filing. The
6 chambers copy must be clearly marked with the words "Courtesy Copy of Electronic Filing for
7 Chambers."

8 - Section III, Paragraph L - unless the proposed order is stipulated, agreed, or otherwise
9 uncontested, the parties need not e-mail a copy of the order to the judge's e-mail address.

10 PRIVACY POLICY

11 Pursuant to the General Order of the Court regarding Public Access to Electronic Case
12 Files (filed 5/29/03), parties are to redact the following information from documents and exhibits
13 before they are filed with the court:

- 14 * Dates of Birth - redact to the year of birth
- 15 * Names of Minor Children - redact to the initials
- 16 * Social Security Numbers - redact to the last four digits
- 17 * Financial Accounting Information - redact to the last four digits

18 The General Order was issued pursuant to the official policy on privacy adopted by the
19 Judicial Conference of the United States and can be found on the court's website at
20 <http://www.wawd.uscourts.gov/docs>. All documents filed in the above-captioned matter must
21 comply with the Privacy Policy and the General Order.

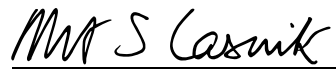
22 SETTLEMENT

23 Should this case settle, counsel shall notify the Deputy Clerk as soon as possible.
24 Pursuant to GR 3(b), an attorney who fails to give the Deputy Clerk prompt notice of settlement

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1 may be subject to such discipline as the Court deems appropriate.

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3 DATED this 18th day of May, 2007.

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6 Robert S. Lasnik
7 United States District Judge
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